

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WILLIAM MITCHELL BELL,

Plaintiff,

v.

JOHN DOE, SHERIFF, et al,

Defendants.

2:11-cv-00922-LDG-PAL

ORDER

On June 13, 2011, Defendant Courtney filed a motion to dismiss Plaintiff's Complaint (#5). On that same day, pursuant to the requirements of *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988) and *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), the court notified Plaintiff that failure to file an opposition within fourteen (14) days constituted Plaintiff's consent to grant Defendant's motion (#6). On June 24, 2011, Plaintiff filed motions for appointment of counsel (#11) and for "an additional forty-five (45) days from the date of the minute order to file his opposition" to Defendant's motion to dismiss (#10). Granting Plaintiff's requested additional time would make his opposition due by July 28, 2011. The court denied Plaintiff's request for appointment of counsel and granted his motion for additional time (#12).

Plaintiff failed to file any opposition by July 28, 2011. On September 6, 2011, Defendant Courtney filed a notice that Plaintiff had failed to file any timely opposition and urged this court to grant his unopposed motion to dismiss (#16). Docketed that same day, but apparently submitted on August 31, 2011, Plaintiff filed a motion requesting an "additional forty-five (45) days from the

1 date of this motion to file his opposition” to the Defendant’s motion to dismiss (#18). Plaintiff
2 filed this request, however, over one month after the expiration of time for filing an opposition.
3 Furthermore, even were this court to construe the timing of his request in Plaintiff’s favor and
4 grant his motion, Plaintiff’s additional requested time has already expired without the filing of any
5 opposition. Therefore, based on Local Rule 7-2(d) and this court’s previous orders, Plaintiff’s
6 failure to file any timely opposition constitutes his consent to grant Defendant Courtney’s motion
7 to dismiss. Additionally, for the reasons stated in Defendant’s brief, Plaintiff’s Complaint fails to
8 state any claim against Defendant Courtney. Accordingly,

9 THE COURT HEREBY ORDERS that Defendant Courtney’s motion to dismiss (#5) is
10 GRANTED.

11 THE COURT FURTHER ORDERS that Plaintiff’s motion for additional time (#18) is
12 DENIED as moot.

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14 DATED this 20 day of October, 2011.

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18 Lloyd D. George
United States District Judge